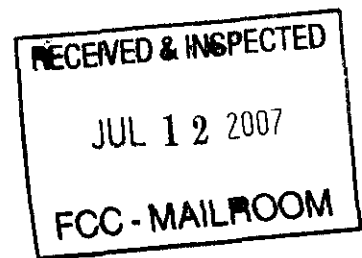


# CM CINNAMON MUELLER

A Professional Limited Liability Company  
307 North Michigan Avenue, Suite 1020  
Chicago, Illinois 60601  
Telephone: 312-372-3930  
Facsimile: 312-372-3939



July 11 ~~2007~~ **DOCKET FILE COPY ORIGINAL**

Marlene Dortch  
Secretary  
Federal Communications Commission  
Office of the Secretary  
9300 East Hampton Drive  
Capitol Heights, MD 20743

**Via Federal Express**  
Confirmation #: 799173311281

**Re: CS Docket No. 97-80, CSR-7109-Z;  
In the Matter of Fidelity Communications Company ("Fidelity");  
Request for Deferral of Enforcement of 47 C.F.R. § 76.1204(a)(1)**

Dear Ms. Dortch:

On behalf of Fidelity, we enclose the original signature to David Beier's affidavit for the above-referenced Petition for Deferral of Enforcement of July 1, 2007 Deadline in 47 C.F.R. § 76.1204(a)(1). We filed the Petition on June 29, 2007.

We also enclose a copy of this letter and a copy of the first page of the affidavit. Please date-stamp each page and return in the enclosed Federal Express envelope.

Please contact me if you have any questions regarding this matter.

Sincerely,

Scott C. Friedman

cc (via email): Michelle Carey  
John Norton  
Brendan Murray  
Andrew Long  
Monica Desai  
David Beier

No. of   
List ABLE

RECEIVED & INSPECTED

JUL 12 2007

Beier Affidavit

FCC - MAILROOM

## AFFIDAVIT OF DAVID BEIER

I serve as Vice President-Regulatory of Fidelity Communications Company ("Fidelity") and submit this affidavit in support of our request for a deferral of the July 1, 2007 deadline for deploying integrated digital set-tops.

**Company background.** Fidelity is a privately held telecommunications company headquartered in Sullivan, Missouri. Fidelity Cablevision offers cable services to approximately 11,300 subscribers in the Missouri communities of Sullivan, Rolla, Lebanon and Salem. The Lebanon system was acquired in March, 2006 and the Salem system in February, 2007.

**Our digital services and set-tops.** Our company has offered a digital tier of cable service for over 8 years. Our strategy in purchasing the Lebanon system in March, 2006 was to rebuild and upgrade the system and launch advanced services including digital and HDTV. Upgrade work on the Lebanon systems started after the purchase in 2006, but the January 2007 ice-storm that swept through parts of Missouri destroyed parts of the rebuilt Lebanon plant and significantly delayed construction. We have now completed the rebuild of the Lebanon system and launched the new services on June 18, 2007. With the rebuilt system in Lebanon we are offering VoIP, high-speed data and video in a triple play package. We are also enhancing the Lebanon video offering by launching digital, including HDTV and a digital simulcast. We have offered digital simulcasts in our Rolla and Sullivan systems for over a year and video on demand for over two years. We also offer nine HDTV channels on our Rolla and Sullivan systems and anticipate offering an additional four or five more HDTV channels in the very near future.

We offer our digital simulcast service at no additional charge with the lease of a digital set-top box or DVR-HD digital set-top box. We provide one DCT-2500 set-top box at no charge as part of our digital service. Current lease rates are \$4.99 per month for each additional standard box or \$9.99 per month for the advanced box with DVR-HD, which allows the customer to receive our current HD channels at no additional charge. With the box, the customer also receives digital music, an electronic programming guide, enhanced parental controls and access to pay-per-view.

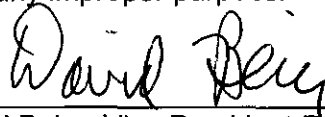
We currently deploy Motorola DCT-2500 series set-top boxes and Motorola DCT-6416 series set-top boxes. We have about 90 new DCT-2500 series boxes and 160 new DCT-6416 series boxes in stock. We purchased these based on general customer demands and anticipated demands upon completion of the digital upgrades.

**Status of our Motorola order.** We have placed an order with Motorola for 100 CableCard compatible boxes. A copy of the purchase order is attached to our deferral request. If filled, this order would enable us to meet anticipated demand for digital services. Motorola has informed the National Cable Television Cooperative, who we order through, that it does not anticipate delivery of our order until September 2007, at the earliest.

**Company plans if deferral is granted.** If our deferral request is granted, we plan to use the remaining DCT-2500s and DCT-6416s and purchase on the used market only enough additional integrated boxes to meet anticipated subscriber demand until Motorola delivers our order.

**Certification.** I have read the deferral request to which this affidavit is attached. I certify that the facts stated therein are true to the best of my knowledge, it is well grounded in

fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and is not interposed for any improper purpose.



David Beier, Vice President-Regulatory  
Fidelity Communications Company.

Subscribed and sworn to before me this 29th day of June, 2007.

  
Notary Public